



not disputed here. Finally, Count 6 claims “conversion,” but fails to allege any acts that constituted conversion of City property. None of those Counts state an actionable claim, and this Court should enter judgment for Zayo on each Count.

A supporting memorandum is attached.

WHEREFORE, Zayo respectfully requests that the Court grant this motion and enter judgment for Zayo on Counts 1-6 of the City’s Complaint.

Respectfully Submitted,

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June 12, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of June, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/Clarence A. Wilbon